REMARKS

This application pertains to a novel syringe for delivering flowable and/or highly viscous materials.

A Notice of Appeal and a petition for a one month extension of time were filed on April 12, 2004.

Claims 1-3, 5, 6 and 8 are pending.

Claims 1, 6/1 and 8 stand rejected under 35 U.S.C. 102(b) as anticipated by Schmitz (US 3,724,076).

and

Claims 2, 3, 5, and 6/2, 6/3 and 6/5 stand rejected under 35 U.S.C. 103(a) as obvious over Schmitz in view of Muller (US 5,875,928).

In their response of 11 March 2004, Applicants explained how their syringe is neither anticipated by the Schmitz reference nor rendered obvious by the combination of Schmitz in view of Muller.

The Examiner indicated in the Advisory Action that Applicants' arguments were not persuasive because directed to the disclosed invention rather than the invention as claimed.

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Now, in a determined effort to advance the prosecution of this case, Applicants have further amended their claims to incorporate further distinguishing features of the disclosed invention, so that the claims more clearly recite the differences pointed out by Applicants.

Specifically, the syringe is now described as being right-cylindrical and having an outlet nozzle at the end thereof, the syringe and nozzle being of one-piece construction. This is supported by the view of the syringe shown in the drawings. The nozzle of the Schmitz syringe is, by contrast, displaced from the right-cylindrical portion of the syringe by a separate plunger guide tube.

Applicants' handle is now described as being attached to the end of Applicants syringe tube opposite that of the nozzle (i.e., the second end vs. the first end) by complementary threads, and as having a borehole passing through it with threads at one end of said borehole to accommodate the threaded end of the syringe tube and threads at the other end to accommodate a threaded piston. The threaded piston passes through the borehole of the handle to enter the syringe tube. The piston is movable through the syringe tube by rotating it under the influence of the threads.

The piston of the Schmitz reference does not pass through the handle, is not threaded, and cannot be advanced through the handle into the syringe tube by rotation. In this regard, Applicants would once again respectfully point out that there is no "handle" 72 to be seen in the Schmitz reference.

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Applicants' piston is now described as projecting outwards from said syringe (see Fig. 2, part 11) for access by an operator (i.e., a dentist's hand). The part of the Schmitz reference that the Examiner identifies as a "piston" is wholly internal to the Schmitz device, and is not accessible to an operator.

The foregoing limitations all find support in either the specification or the drawings, and clearly distinguish Applicants' syringe from the device of the Schmitz reference and from any device that might be suggested by the combination of Schmitz and Muller.

The rejection of claims 1, 6/1 and 8 under 35 U.S.C. 102(b) as anticipated by Schmitz (US 3,724,076)

and

the rejection of claims 2, 3, 5, and 6/2, 6/3 and 6/5 under 35 U.S.C. 103(a) as obvious over Schmitz in view of Muller (US 5,875,928) should accordingly now be withdrawn.

In view of the present amendments and remarks, it is believed that claims 1-3, 5, 6 and 8 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested, and the allowance thereof is courteously solicited. Should the Examiner not deem the present amendment and remarks to place the

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